

REMARKS

The Examiner's action dated February 15, 2005, has been received, and its contents carefully noted.

In response to the rejection of claim 2 under 35 U.S.C. 112, second paragraph, claim 2 has been amended by deletion of the phrase containing the word "preferably". In addition, claims 2 and 3 have been amended to correct a translation error noted therein. Clear support for the amendments to claims 2 and 3 appears in the application, as filed, for example in claims 4 and 5 and in the specification at page 3, lines 8-10.

In response to the objection to the dependency of claims 4-17, these claims have been amended to eliminate improper multiple dependency.

The rejection of claim 1 as anticipated by Nacken is respectfully traversed.

The present invention is directed to a method and device for qualifying gemstones on the basis of their electrical conductivity. Such qualification is made possible by placing the gemstone in the electrical stray field of a capacitor. This produces the result that the measured capacitance is primarily influenced by the electrical conductivity of the gemstone. Consequently, the influence of the dielectric constant of the gemstone, or the difference in dielectric constant between different gemstones, on the capacitance of the probe can be neglected when compared to the influence of differences in the electrical conductivities of the gemstones.

In order to clearly define the contribution of the invention over the prior art, claim 1 has been amended to positively recite the step that at least part of a gemstone to

be qualified is placed in the electrical stray field of a capacitor. Claim 12 has also been amended to specify that at least part of a gemstone to be qualified can be placed in the electrical stray field of the capacitor. Claim 12 further specifies that a signal is generated when at least the part of the gemstones to be qualified is placed in the electrical stray field of the capacitor.

The applied reference, Nacken, contains no disclosure of the use of the stray field of a capacitor for measuring the electrical conductivity of gemstones. Therefore, claim 1 now clearly distinguishes over this reference and is therefore requested at the rejection presented in Section 7 of the action be reconsidered and withdrawn.

Claims 2 and 3 should be considered allowable at least in view of their dependency from claim 1. Like Nacken, McClean contains no disclosure of the use of the stray field of a capacitor for measuring electrical conductivity of gemstones.

Claims 4-7 should be considered allowable at least in view of their dependencies from claim 1, while claim 12 should be considered allowable in view of its recitations relating to the use of the electrical stray field of a capacitor and claims 13 and 15-17 should be considered allowable at least in view of their dependency from claim 12.

In view of the foregoing, it is requested that all of the objections and rejections of record be reconsidered and withdrawn, that the pending claims be allowed and that the application be found in allowable condition.

Appln. No. 10/612,392
Amd. dated August 11, 2005
Reply to Office Action of February 15, 2005

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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